

TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY
NOTICE OF REGULATORY ACTION

The Emergency Medical Services Authority (EMS Authority) is proposing to amend the Emergency Medical Technician-Paramedic (Paramedic) Regulations, Chapter 4, Division 9, Title 22, California Code of Regulations (CCR), as described in the Informative Digest. The EMS Authority is also proposing in this same rulemaking to adopt Chapter 11, EMS Continuing Education, for inclusion in Division 9, Title 22, CCR, as described in the Informative Digest.

WRITTEN COMMENTS AND AGENCY CONTACTS

Interested parties are invited to submit written comments to the proposed regulatory action during a 60-day written comment period that is provided from August 1, 2003 through September 29, 2003. The written comment period closes at 5:00 p.m. on September 29, 2003, and comments received after that date will not be accepted. Written comments can be mailed, faxed, or e-mailed to either of the EMS Authority staff listed below. The rulemaking file for the proposed regulatory action is available for review from 9 a.m. until 4 p.m., Monday through Friday, at the EMS Authority located at 1930 – 9th Street, Sacramento, California 95814. To schedule a review of the rulemaking file, submit written comments, or obtain answers to questions on the substance of the regulations, contact the following EMS Authority staff:

Primary Contact

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PUBLIC HEARING

The EMS Authority will hold a public hearing to permit interested parties the opportunity to present statements, arguments, and written comments relevant to the regulatory action. The public hearing will be held on Monday, September 29 from 2:30 p.m. to 4:30 p.m. at the EMS Authority located at 1930 – 9th Street, Sacramento, California 95814.

**AVAILABILITY OF TEXT OF INITIAL STATEMENT OF REASONS AND
TEXT OF PROPOSED REGULATIONS**

Copies of the exact language of the proposed changes to the regulations, indicated by underline for additions and strikeout for deletions and written in plain English, the Initial Statement of Reasons, the report from the National Highway Traffic Safety

Administration entitled Assessment of Emergency Medical Services in California , and the Minutes of the Paramedic Task Force meetings, and other information will be available on the EMS Authority website at www.emsa.ca.gov, at the office of the EMS Authority at the address listed above, and at the public hearing noted above. A copy of the Commission on EMS/EMS Authority vision document entitled, EMS Vision Update 2000, is available for review at the office of the EMS Authority and will be available for review at the public hearing.

AUTHORITY AND REFERENCE

Health and Safety Code (H&SC) Section 1797.107 authorizes the EMS Authority, upon approval of the Commission on Emergency Medical Services, to adopt, amend or repeal regulations, which would implement, interpret, or make specific the provisions of H&SC Division 2.5, for the development and maintenance of emergency medical services (EMS) in California. H&SC Section 1797.172 authorizes the EMS Authority to develop standards, policies and procedures for the training, scope of practice, licensure, and relicensure of paramedics.

H&SC Section 1797.174 requires the EMS Authority, in consultation with the Commission on EMS and other affected constituencies to develop statewide guidelines for continuing education (CE) courses and approval of CE courses for paramedics and for quality improvement systems which monitor and promote improvement in the quality of care provided by paramedics statewide. In addition, H&SC Section 1797.175 requires the EMS Authority to establish the standards for CE and to designate the examinations for the certification and recertification of all prehospital personnel. H&SC Section 1797.176 requires that the EMS Authority establish the minimum standards for the policies and procedures necessary for medical control of the EMS system.

H&SC Sections 1798.200 and 1798.204 also authorize the EMS Authority to deny, suspend, or revoke any paramedic license or to place a paramedic license holder on probation for specific actions and to establish guidelines for the proceedings for disciplinary action.

INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

The EMS Authority is proposing to amend the Emergency Medical Technician-Paramedic (Paramedic) Regulations contained in the California Code of Regulations, Title 22, Division 9, Chapter 4, Sections 100135 - 100180. These regulations specify the training, scope of practice, licensure, relicensure, continuing education, local accreditation and disciplinary actions for paramedics pursuant to Division 2.5 of the H&SC. The EMS Authority is also proposing to remove most of the continuous quality improvement provisions and the continuing education provisions from the Paramedic Regulations.

Through this regulatory process, a new Chapter 11 is being proposed for Division 9, Title 22, CCR that will include the continuing education provisions for all three levels of EMS personnel (i.e., Emergency Medical Technician-I, Emergency Medical Technician-II, and Emergency Medical Technician-Paramedic), since many of the provisions are the same for all three levels. Through a separate regulatory action that is being conducted at the same time as this regulatory action, the continuous quality improvement provisions will be proposed for implementation in a new Chapter 12 for Division 9, Title 22, CCR that will address the continuous quality improvement provisions for all levels of EMS personnel provider agencies and other affected entities such as the EMS Authority, local EMS agencies, and base hospitals/alternate base stations.

In amending the regulations, the EMS Authority is also proposing to delete Section 100155 because it is no longer necessary and proposing to delete Article 6, Sections 100166 through 100170 because these sections are being revised and moved into the new, proposed Chapter 11 on EMS Continuing Education.

The objectives in amending these regulations are the following:

- Update the regulations to meet national standards for training paramedics,
- Improve the provisions for continuous quality improvement and continuing education,
- Specify the designated paramedic licensure examination,
- Update the paramedic basic scope of practice,
- Provide clarification on the accreditation requirements for training programs,
- Update the requirements for an approved paramedic training program,
- Incorporate a mechanism for due process for paramedic training programs,
- Update the requirements for paramedic training program applicants,
- Increase the minimum hours for the didactic hours for paramedic training,
- Update the paramedic licensure/re-licensure requirements,
- Implement a provision for temporary paramedic licenses,
- Implement a process for the voluntary deactivation of a paramedic license,
- Update the paramedic accreditation provisions,
- Make grammatical changes and renumber Articles and Sections for consistency.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The EMS Authority has determined that the proposed amendments to the regulations do not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS TO ANY STATE OR LOCAL AGENCY OR SCHOOL DISTRICT

The EMS Authority has determined that there will be no costs or savings to any state agency or school district by the proposed amendments to the regulations. The EMS Authority has determined that there may be a cost to local emergency medical services agencies (county or region of counties) that operate a paramedic training program

because the EMS Authority is proposing to increase the required minimum number of didactic training hours from 320 to 450. However, some paramedic training programs already exceed the 320 hours of didactic training in order to adequately teach the required curriculum. In addition, any increase in the cost of a paramedic training program can be recovered by increasing the amount of the student fees.

The EMS Authority has also determined that there are no other non-discretionary costs imposed upon local agencies by the proposed amendments to the regulations. There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4. It is permissive and not mandatory for counties to have an emergency medical services program (H&SC Section 1797.200).

IMPACT ON BUSINESSES

The EMS Authority has made an initial determination and declares that the proposed amendments to the paramedic regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The EMS Authority has relied on discussions with representatives of EMS constituent groups in making this determination. These groups include representatives of paramedic training programs, paramedic unions, private and public ambulance services, nurse unions, law enforcement agencies, state agencies that employ paramedics, local EMS agencies, physician groups, continuing education providers, and local EMS medical directors.

COST IMPACTS TO REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

The EMS Authority has determined that the cost to representative private persons or businesses would be minimal. The proposed amendment of an additional 130 hours to the didactic portion of the paramedic training program and the requirement that paramedic training programs participate in the local EMS agency EMS system evaluation and quality improvement program may increase the cost of operating a paramedic training program, and this cost would probably be passed on to the students of the program. However, many of the 28 paramedic training programs in the state already exceed the current minimum didactic hours in their program in order to adequately cover the required curriculum.

SMALL BUSINESS IMPACT STATEMENT

The EMS Authority has determined that the proposed amendments to the regulations may affect small business, specifically paramedic training programs as noted above.

POTENTIAL ECONOMIC EFFECT

The EMS Authority has made an assessment that the proposed revisions to the regulations will not create or eliminate jobs in California, will not create new businesses or eliminate existing businesses in California, and will not affect the expansion of businesses currently doing business in California.

FEDERAL FUNDING TO THE STATE

The EMS Authority has determined that the proposed revisions to the regulations will not result in any costs or savings in federal funding to the state.

EFFECT ON HOUSING

The EMS Authority has determined that the proposed revisions to the regulations will not have a fiscal impact on housing costs.

CONSIDERATION OF ALTERNATIVES

The EMS Authority must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the EMS Authority would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. Therefore, the EMS Authority invites interested persons to present statements or arguments during the public comment period or at the public hearing noted above with respect to alternatives to the proposed regulation revisions.

FINAL ADOPTION OF REGULATIONS

Following the public hearing, the Commission on Emergency Medical Services may approve for adoption the proposed revisions to the Paramedic Regulations as described in this notice. If approved, copies of the regulations as finally adopted will be sent to all persons on the EMS Authority's mailing list. In addition, a copy of the Final Statement of Reasons will be available on the EMS Authority's website, www.emsa.ca.gov, or by calling or writing the EMS Authority's contacts as identified in this notice.

However, if as a result of public comment (oral or written), substantial changes to the regulations are deemed appropriate, copies of the changes will be sent to all persons on the EMS Authority's mailing list, all persons who testified at the public hearing or who submitted written comments during the comment period or at the public hearing, and to those who have requested copies of information regarding the regulation revisions. The EMS Authority will then accept written comments, arguments, or evidence for a period of at least 15 days after the date on which the changes were made available.

If adopted, the regulations will appear in the California Code of Regulations, Title 22, Division 9, Chapter 4 and Chapter 11.